

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.3546 of 2015

ORDER:

The instant petition is filed by the petitioners, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in Crime No.110 of 2015 of Mydukur U/G Police Station, YSR Kadapa District, for the offences punishable under Sections 420 and 435 read with 34 IPC.

Facts would show that the second respondent – de facto complainant has lodged a complaint alleging that the offence had taken place on 24.12.2014 at Kesalingaya Palle Village, Mydukur Mandal, and was reported on 04.04.2015 at 2.00 P.M. at Mydukur U/G Police Station, that the petitioners herein – A.1 and A.2 entered into an agreement with the de facto complainant, took an advance of Rs.6.00 lakhs having signed an agreement for selling the agricultural land and promising to receive the balance amount on 31.03.2015 and, despite the request of the de facto complainant before the elders, the accused refused to register the agricultural land and, thereby, deceived. A.1 and A.2 attacked with an intention to do away with the life of the complainant and also referred in the complaint two calendar cases, viz. C.C.Nos.241 of 2012 and 311 of 2014, pending between the parties.

Heard both sides.

Learned counsel for the petitioners submits that earlier, the petitioners lodged two complaints, first one registered as Crime No.296 of 2013 by the Mydukur (U/G) Police Station, and the second as Crime No.109 of 2015 registered on 04.04.2015 and, as a counter-blast, the instant complaint, being Crime No.110 of 2015, was registered on 04.04.2014 showing the very same date of the alleged offence having taken place which, in fact, is the subject

matter of Crime No.109 of 2014. It is his submission that, in fact, the complainant, along with henchmen, set fire to the banana crop belonging to the petitioners herein and, therefore, it is nothing but an abuse of process of law and sought to quash the proceedings.

Learned Additional Public Prosecutor for the Andhra Pradesh resisted the request stating that there is prima facie material to proceed with investigation.

At this stage, only the FIR is placed before this Court in regard to which the alleged incident has taken place. Though it is contended, the complaint in the instant crime was lodged by respondent No.2 as a counter blast to the complaint, lodged by the petitioners, registered as Crime No.109 of 2015, still, it requires adjudication in deciding as to which party is aggressor, and, therefore, at this stage, it cannot be said that it amounts to abuse of process of law. Thus, it is not a fit case to exercise extraordinary jurisdiction to quash the proceedings in Crime No.110 of 2015. Having regard to the fact that there have been disputes between the parties concerning right over an immovable property, the police concerned are directed not to arrest the petitioners during the pendency of investigation. It is further directed that the petitioners shall cooperate with the investigating agency for completion of investigation.

With the above directions, the Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending shall stand dismissed.

A. SHANKAR NARAYANA, J

Date:27.04.2015

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